

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

## OFFENSE CHARGED

COUNT 1: 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud  
 COUNTS 2-8: 18 U.S.C. § 1343 - Wire Fraud

**UNDETERRED** **SEAL**

PENALTY: COUNTS 1-8: 20 years imprisonment, \$250,000 fine, 3 years of supervised release, \$100 mandatory special assessment

Petty  
 Minor  
 Misdemeanor  
 Felony

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**FILED**

## DEFENDANT - U.S.

→ Kimberly Dominguez

DISTRICT COURT NUMBER

**CR 19 0591**SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA**HSG**

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

SSA OIG

person is awaiting trial in another Federal or State Court,  
 give name of court

this person/proceeding is transferred from another district  
 per (circle one) FRCrP 20, 21, or 40. Show District

this is a reprocution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a  
 pending case involving this same  
 defendant

MAGISTRATE  
CASE NO.

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

Name and Office of Person  
 Furnishing Information on this form DAVID ANDERSON

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
 Attorney (if assigned) SAUSA Christopher Vieira

## IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior  
 summons was served on above charges

2)  Is a Fugitive3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

4)  On this charge5)  On another conviction

}  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
 been filed?  No

} If "Yes"  
 give date  
 filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: no bail

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

## OFFENSE CHARGED

COUNT 1: 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud

**UNDETERMINED**

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY: COUNT 1: 20 years imprisonment, \$250,000 fine, 3 years of supervised release, \$100 mandatory special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

**FILED**

OAKLAND DIVISION

NOV -7 2019

## DEFENDANT - U.S.

→ Erick Dominguez

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

## DISTRICT COURT NUMBER

**CR 19 0591**

**HSG**

## DEFENDANT

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2)  Is a Fugitive

3)  Is on Bail or Release from (show District)  
\_\_\_\_\_

## IS IN CUSTODY

4)  On this charge

5)  On another conviction }  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution  
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Has detainer  Yes  
been filed?  No

} If "Yes"  
give date  
filed  
\_\_\_\_\_

DATE OF  
ARREST →

Month/Day/Year  
\_\_\_\_\_

Or... if Arresting Agency & Warrant were not  
\_\_\_\_\_

DATE TRANSFERRED  
TO U.S. CUSTODY →

Month/Day/Year  
\_\_\_\_\_

This report amends AO 257 previously submitted

Name and Office of Person  
Furnishing Information on this form DAVID ANDERSON

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned) SAUSA Christopher Vieira

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: no bail

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:  
\_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:  
\_\_\_\_\_

## ADDITIONAL INFORMATION OR COMMENTS

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FILED

NOV -7 2019

~~SECRET~~ AL VENUE: OAKLAND

UNITED STATES OF AMERICA,

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

v.

CR 19 0591

HSG

KIMBERLY DOMINGUEZ AND ERICK DOMINGUEZ,

DEFENDANT(S).

## INDICTMENT

18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud;

18 U.S.C. § 1343 – Wire Fraud;

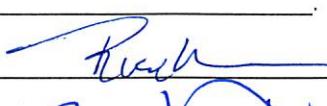
18 U.S.C. § 981 (a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.



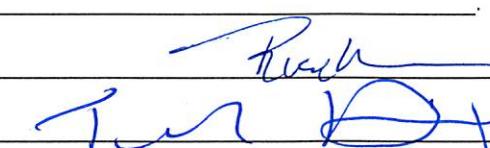
Foreman

Filed in open court this 7 day of 11 2019

 ROSE MAHER

Clerk

NO BAIL WARRANT

 THOMAS S. HIXSON  
UNITED STATES MAGISTRATE JUDGE

Bail, \$

FILED

NOV -7 2019

~~DAVID L. ANDERSON~~  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

HSG

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KIMBERLY DOMINGUEZ and  
ERICK DOMINGUEZ,

Defendants.

) CASE NO.

) **CR 19 0591**

) VIOLATIONS:

) 18 U.S.C. § 1349 – Conspiracy to Commit Wire  
Fraud;  
()

) 18 U.S.C. § 1343 – Wire Fraud;

) 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –  
Forfeiture Allegation

) OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

1. Kimberly Dominguez (“KIMBERLY”), is employed by the Social Security Administration (“SSA”) at the agency’s Oakland Teleservice Center.

2. Erick Dominguez (“ERICK”) is KIMBERLY’s husband.

3. SSA payments originate in Baltimore, Maryland and are electronically-routed through the Bureau of Fiscal Service’s Kansas City Financial Center in Kansas City, Missouri. After processing in Kansas City, Missouri, payments are electronically-routed through the Federal Reserve Bank in East Rutherford, New Jersey to a Social Security recipient’s bank account.

The Scheme and Artifice to Defraud

4. From a time unknown but no later than October 5, 2015 and continuing until at least

INDICTMENT

1 September 25, 2019, KIMBERLY and ERICK knowingly participated in, devised, and intended to  
2 devise a scheme to defraud the SSA. Specifically, KIMBERLY used her employment at the SSA's  
3 Oakland Teleservice Center to access SSA databases in order to divert Social Security recipients' direct  
4 deposit payments to Comerica Direct Express accounts that she controlled. After the SSA deposited  
5 diverted benefits into the Comerica Direct Express accounts that KIMBERLY controlled, KIMBERLY,  
6 ERICK and/or their associates withdrew money from the accounts, primarily via ATM cash  
7 withdrawals.

8 5. On or about October 5, 2015, KIMBERLY accessed an SSA database and diverted Social  
9 Security recipient R.V.'s direct deposit payment from R.V.'s designated bank account to a Comerica  
10 Direct Express account that KIMBERLY controlled. KIMBERLY also changed R.V.'s home address in  
11 the SSA's database. After the SSA deposited R.V.'s benefits into the Comerica Direct Express account,  
12 KIMBERLY and/or her associates withdrew money from the account via ATM cash withdrawals.

13 6. On or about November 12, 2015, KIMBERLY accessed an SSA database and diverted  
14 Social Security recipient S.L.'s direct deposit payment from S.L.'s designated bank account to a  
15 Comerica Direct Express account that KIMBERLY controlled. KIMBERLY also changed S.L.'s home  
16 address in the SSA's database. After the SSA deposited S.L.'s benefits into the Comerica Direct  
17 Express account, KIMBERLY and/or her associates withdrew money from the account via ATM cash  
18 withdrawals.

19 7. On or about April 22, 2016, KIMBERLY accessed an SSA database and diverted Social  
20 Security recipient A.H.'s direct deposit payment from A.H.'s designated bank account to a Comerica  
21 Direct Express account that KIMBERLY controlled. KIMBERLY also changed A.H.'s home address in  
22 the SSA's database. After the SSA deposited A.H.'s benefits into the Comerica Direct Express account,  
23 KIMBERLY and/or her associates withdrew money from the account primarily via ATM cash  
24 withdrawals.

25 8. The SSA suspended P.P.'s benefits in mid-2014 because it had not been able to contact  
26 him. On or about December 4, 2017, KIMBERLY accessed an SSA database, reinstated P.P.'s  
27 suspended benefits, and diverted P.P.'s benefit payments to a Comerica Direct Express account that  
28 KIMBERLY controlled. KIMBERLY also changed P.P.'s home address in the SSA's database. After

1 the SSA deposited P.P.'s benefits into the Comerica Direct Express account, KIMBERLY and/or her  
2 associates withdrew money from the account via ATM cash withdrawals.

3 9. On or about July 11, 2018, KIMBERLY accessed an SSA database and diverted Social  
4 Security recipient M.A.'s direct deposit payment from M.A.'s designated bank account to a Comerica  
5 Direct Express account that KIMBERLY controlled. KIMBERLY also changed M.A.'s home address  
6 in the SSA's database. After the SSA deposited M.A.'s benefits into the Comerica Direct Express  
7 account, KIMBERLY and/or her associates withdrew money from the account primarily via ATM cash  
8 withdrawals.

9 10. On or about July 30, 2018, KIMBERLY accessed an SSA database and diverted Social  
10 Security recipient R.G.'s direct deposit payment from R.G.'s designated bank account to a Comerica  
11 Direct Express account that KIMBERLY controlled. KIMBERLY also changed R.G.'s home address in  
12 the SSA's database. After the SSA deposited R.G.'s benefits into the Comerica Direct Express account,  
13 KIMBERLY and/or her associates withdrew money from the account via ATM cash withdrawals.

14 11. The SSA suspended D.W.'s benefits in early 2018 because it learned that D.W. might be  
15 deceased. On or about September 27, 2018, KIMBERLY accessed an SSA database, reinstated D.W.'s  
16 suspended benefits, and diverted D.W.'s benefit payments to a Comerica Direct Express account that  
17 KIMBERLY controlled. KIMBERLY also changed D.W.'s home address in the SSA's database. After  
18 the SSA deposited D.W.'s benefits into the Comerica Direct Express account, KIMBERLY, ERICK,  
19 and/or their associates withdrew money from the account via ATM cash withdrawals.

20 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud)

21 12. Paragraphs 1 and 11 are re-alleged and incorporated as if fully set forth herein.

22 13. From a time unknown but no later than October 5, 2015 and continuing until at least

23 September 25, 2019, in the Northern District of California and elsewhere, the defendants,

24 KIMBERLY DOMINGUEZ and ERICK DOMINGUEZ,

25 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire and agree  
26 together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section  
27 1343, by devising a scheme and artifice to defraud and a scheme to obtain money by means of false and  
28 fraudulent representations, specifically by diverting Social Security recipients' direct deposit payments

1 to Comerica Direct Express accounts and withdrawing the money from the accounts.

2 All in violation of Title 18, United States Code, Section 1349.

3 COUNTS TWO THROUGH EIGHT: (18 U.S.C. § 1343 – Wire Fraud)

4 14. Paragraphs 1 through 13 of this Indictment are re-alleged and incorporated as if fully set  
5 forth here.

6 15. From October 28, 2015 and continuing through at least September 25, 2019, in the  
7 Northern District of California and elsewhere, the defendant,

8 KIMBERLY DOMINGUEZ,

9 for the purpose of executing the material scheme and artifice to defraud investors, and for obtaining  
10 money and property from investors by means of materially false and fraudulent pretenses,  
11 representations, promises, and material omissions with a duty to disclose, did knowingly transmit and  
12 cause to be transmitted by means of wire communication in interstate commerce certain writings, signs,  
13 signals, and pictures, that is, electronic funds transfers from the Social Security Administration to  
14 fraudulent Comerica Direct Express accounts, as further set forth below:

COUNT	DATE	ITEM WIRED	WIRED FROM	WIRED TO
2	10/28/2015	\$2,367.00	Social Security Administration	R.V.'s fraudulent Comerica Direct Express account ending in 7538
3	1/20/2016	\$1,117.30	Social Security Administration	S.L.'s fraudulent Comerica Direct Express account ending in 4330
4	6/15/2016	\$2,536.00	Social Security Administration	A.H.'s fraudulent Comerica Direct Express account ending in 3950
5	12/14/2017	\$31,631.00	Social Security Administration	P.P.'s fraudulent Comerica Direct Express account ending in 0629
6	8/15/2018	\$3,508.00	Social Security Administration	R.G.'s fraudulent Comerica Direct Express account ending in 0768
7	12/12/2018	\$1,059.00	Social Security Administration	M.A.'s fraudulent Comerica Direct Express account ending in 0263
8	9/25/2019	\$1,660.00	Social Security Administration	D.W.'s fraudulent Comerica Direct Express account ending in 3159

23 Each in violation of Title 18, United States Code, Section 1343.

24 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

25 16. The allegations contained in this Indictment are re-alleged and incorporated by reference  
26 for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and  
27 Title 28, United States Code, Section 2461(c).

28 17. Upon conviction for any of the offenses set forth in this Indictment, the defendants,

1 KIMBERLY DOMINGUEZ and ERICK DOMINGUEZ,  
2 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and  
3 Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived  
4 from proceeds the defendant obtained directly and indirectly, as the result of those violations, including  
5 but not limited to the following:

6 a. a sum of money equal to the amount of proceeds obtained as a result of the offenses.

7 If any of the property described above, as a result of any act or omission of the defendant:

8 a. cannot be located upon exercise of due diligence;  
9 b. has been transferred or sold to, or deposited with, a third party;  
10 c. has been placed beyond the jurisdiction of the court;  
11 d. has been substantially diminished in value; or  
12 e. has been commingled with other property which cannot be divided without  
13 difficulty,

14 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,  
15 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

16 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,  
17 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

18  
19 DATED: *7 NOV 2019*

A TRUE BILL.



20  
21  
22 FOREPERSON

23 DAVID L. ANDERSON  
United States Attorney



24  
25  
26 CHRISTOPHER VIEIRA  
Special Assistant United States Attorney